IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 870 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAY BHARAT STORES

Versus

BABUBHAI GALAJI THAKOR

Appearance:

1. Special Civil Application No. 870 of 2005

MR DIPAK R DAVE for Petitioner No. 1

RULE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 15/04/2005

ORAL JUDGEMENT

1. Learned advocate for the petitioner submitted that there is settlement dated 24-2-2005 arrived at

between the parties in Recovery Application preferred by the respondent workman before the concerned Labour Court and he has tendered the photostat copy of the said settlement before this Court which is taken on record.

2. Looking to the facts and circumstances of the case and in view of the aforesaid settlement the respondent workman has waived his rights of reinstatement and for full and final settlement of the rights and contentions of the respondent workman lumpsum amount of Rs.14,000/- has been agreed upon between the parties and all the rights vested in the respondent workman have been encashed for Rs.14,000/- including right of reinstatement.

3. Though the respondent is served with the notice of rule, nobody has appeared before this Court. None the less, looking to the facts and circumstances of the case and in view of aforesaid settlement dated 24-2-2005 especially when the right of reinstatement has been waived by the respondent - workman coupled with the fact that all rights of the workman have been settled in lieu of consideration of Rs.14,000/-, the present petition does not survive. Accordingly, the present petition is disposed of. Rule is discharged with no order as to costs. Ad-interim relief granted earlier by this Court stands vacated.

(D.N. Patel, J.)

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